

**REMARKS**

Claims 1 - 14 are pending in the present application, of which claims 4 – 11 have been withdrawn from consideration. By this Amendment, claims 1, 12 and 14 have been amended, claim 3 has been canceled and new claims 15 and 16 has been added. No new matter has been added. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated November 13, 2003.

**Examiner Interview:**

The courtesy extended by Examiner Tran during the February 9, 2004 personal interview is gratefully acknowledged. The substance of the interview is incorporated into the following remarks.

**As To The Merits:**

As to the merits of the case, the Examiner sets forth the following rejections:

- 1) claims 1, 3, 12, 13 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Park (of record) in view of Hu et al. (of record); and
- 2) claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Park and Hu et al. in view of Shigyo (of record);

Each of these rejections is respectfully traversed.

Independent Claims 1, 12 and 14:

Each of independent claims 1, 12 and 14 have been amended to call for *a dielectric film formed on an upper surface of said floating gate electrode, said dielectric film having a thickness not allowing carriers to transmit therethrough by the direct tunneling phenomenon; and a second control gate electrode formed on said dielectric film and electrically connected to said first control gate electrode by a film located above said first and second control gate electrodes, said second control gate electrode and said floating gate electrode constituting a capacitor, wherein said first control gate electrode is formed on said gate insulating film also over a side wall of said second control gate electrode.*

For example, as shown in Fig. 1 of the present application, film 27 electrically connects the upper control gate electrode 7 and the side control gate electrode 11.

It is respectfully submitted that neither Park nor Hu et al. disclose or fairly suggest the features of independent claims 1, 12 and 14 concerning *a dielectric film formed on an upper surface of said floating gate electrode, said dielectric film having a thickness not allowing carriers to transmit therethrough by the direct tunneling phenomenon; and a second control gate electrode formed on said dielectric film and electrically connected to said first control gate electrode by a film located above said first and second control gate electrodes, said second control gate electrode and said floating gate electrode constituting a capacitor, wherein said first control gate electrode is formed on said gate insulating film also over a side wall of said second control gate electrode.*

New Dependent Claim 15:

Claim 15 calls for the top surfaces of the impurity doped regions to be covered with a metal silicide film (25), and the film located above the first and second control gate electrodes to be made of the same material as the metal silicide film.

It is respectfully submitted that neither Park nor Hu et al. disclose or fairly suggest the features of newly added dependent claim 15.

New Independent Claim 16:

Independent claim 16 calls for an element isolating film (2) formed on a partial surface area of the semiconductor substrate and surrounding the pair of impurity doped regions and the channel region between the pair and impurity doped regions, and a gate bus line (120) over the element isolation insulating film, wherein the first control gate electrode (11) and the second control gate electrode (7) extend on the element isolation insulating film, the gate bus line is in contact with the first control gate electrode and the second control gate electrode over the element isolation insulating film. This new claim reads on an embodiment shown in Figs. 3A and 3B.

It is respectfully submitted that neither Park nor Hu et al. disclose or fairly suggest the features of newly added independent claim 16.

Response under 37 C.F.R. §1.111  
Attorney Docket No. 001497  
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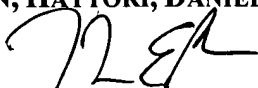
In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**



Thomas E. Brown  
Attorney for Applicants  
Registration No. 44,450

TEB/jnj  
1250 Connecticut Avenue, NW  
Suite 700  
Washington, D.C. 20036  
(202) 822-1100 (t)  
(202) 822-1111 (f)

